

REMARKS

In accordance with the foregoing, new claim 21 has been added. Claims 1-2, 9-10, 16-17 and 19-21 are pending and under consideration.

The rejection based on Tanaka is respectfully traversed. Independent claim 1 (used as an example) recites monitoring whether the tracking actuator deviates from a dynamic range based on a signal controlling the feed motor and the predetermined reference value is set based on the dynamic range and a movable range of the tracking actuator. The Examiner relies upon column 16, line 59 to column 17, line 6, and column 20, lines 33-43 of Tanaka. However, this portion refers to the tracking error being more than a predetermined value, for example 20%. Thus, this portion does not explicitly teach that the error is related to a dynamic range. The Examiner appears to acknowledge this fact, stating that the dynamic range is the operational safe range disclosed by Tanaka. However, Applicant submits that based on the 20% value, one of ordinary skill in the art would not have understood this value to correspond to the claimed dynamic range or movable range.

Furthermore, new claim 21 recites the predetermined reference value is set at a value corresponding to a maximum limit of the dynamic range of the tracking actuator.

According to the Examiner, erroneous continuation such that the lens is scratched is by definition the extreme limit. Applicant respectfully disagrees. Preventing scratching does not necessarily imply the maximum limit, because Tanaka could conceivably be taking a more conservative approach. Tanaka could be using a lower limit of error than the maximum possible limit.

Accordingly, allowance of this new claim is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

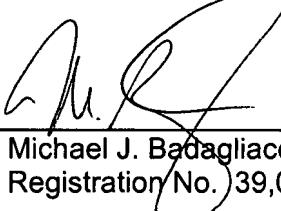
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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